



**ABB Inc.**  
29801 Euclid Avenue  
Wickliffe, OH 44092 USA

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**MAR 30 2007**

**Fax**

**Attention: USPTO  
Mail Stop Petition**

**From: Paul R. Katterle**

**Fax number: 571-273-8300**

**Fax number: 440-585-7578**

**No. pages incl. this cover sheet: 7**

**Telephone number: 440-585-7968**

**Date: March 30, 2007**

**MESSAGE:**

**Re: U.S. Patent Application Serial No. 10/578,277  
Entitled: "MEDIUM-VOLTAGE SWITCHGEAR"**

Attached, please find a Petition under 37 CFR 1.181(a) to Withdraw a Holding of Abandonment (3 pages) and three Exhibits thereto (3 pages) for the subject application.

Respectfully submitted,

Paul R. Katterle

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300 on the date indicated below.

Signature of Person Making Facsimile Transmission

March 30, 2007

Date

Paul R. Katterle

Printed Name of Person

\*\*\*\*\*  
**THE INFORMATION CONTAINED HEREIN CONSTITUTES CONFIDENTIAL INFORMATION AND MAY BE ATTORNEY PRIVILEGED, INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS. (WE WILL REIMBURSE POSTAGE). THANK YOU.**

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MAR 30 2007

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Harald Fink  
Assignee : ABB Technology AG  
Int'l App. No.: PCT/EP04/12508  
U.S. Serial No.: 10/578,277 Art Unit: N/A  
Int'l Filing Date: November 5, 2004 Confirmation No.: 2766  
Title: MEDIUM-VOLTAGE SWITCHGEAR  
Examiner: N/A Docket No.: 03-H26US

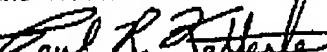
**PETITION UNDER 37 CFR 1.181(a)**  
**TO WITHDRAW A HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant's undersigned representative received a Notification of Abandonment for the subject application on March 13, 2007. The Notification states that the application became abandoned for failure to provide a copy of the International Application by 30 months from the priority date, which is November 7, 2003. Applicant submits that this holding of abandonment is improper because a copy of the International Application was transmitted to the USPTO by both the International Bureau and the Applicant. Accordingly, Applicant is filing this petition to withdraw the holding of abandonment.

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300 on the date indicated below.

  
\_\_\_\_\_  
Signature of Person Making Facsimile Transmission

March 30, 2007  
Date

Paul R. Katterle  
Name

**PETITION TO THE DIRECTOR**

Applicant's undersigned representative received a Notification of Abandonment for the subject application on March 13, 2007. The Notification states that the application became abandoned for failure to provide a copy of the International Application by 30 months from the priority date, which is November 7, 2003. A copy of the Notification of Abandonment is attached hereto as Exhibit A.

Applicant submits that this holding of abandonment is improper because a copy of the International Application was transmitted to the USPTO by both the International Bureau and the Applicant.

37 CFR 1.495(b)(1) only requires an applicant to transmit a copy of the International Application to the U.S. Patent Office if the International Bureau has not already done so. MPEP §1893.01(a)(1) provides that a copy of form PCT/IB/308 is **conclusive evidence** that the International Bureau has transmitted the International Application to Designated Offices. A copy of form PCT/IB/308 for the International Application is attached hereto as Exhibit B. This is conclusive evidence that the International Application was transmitted by the International Bureau to the USPTO.

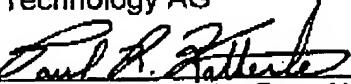
Applicant also transmitted a copy of the published International Application to the USPTO with its Transmittal Letter under 35 U.S.C. 371, which was filed on May 5, 2006. A copy of the returned postcard showing receipt of the Transmittal Letter and the published International Application is attached hereto as Exhibit C.

Based on the foregoing Applicant submits that the holding of abandonment is improper and hereby requests the Director to withdraw the holding of abandonment. Pursuant to MPEP §711.03(c), no fee is required for this petition.

If there are any fees resulting from this communication, please charge same to  
our Deposit Account No. 050877.

Respectfully submitted,

ABB Technology AG

By:   
Paul R. Katterle, Reg. No. 36563

March 30, 2007  
c/o ABB Inc.  
29801 Euclid Avenue-4U6  
Wickliffe, Ohio 44092-2530  
(440) 585-7968

## Exhibit A

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MAR 30 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

|  |                       |                               |
|--|-----------------------|-------------------------------|
| U.S. APPLICATION NUMBER NO.              | FIRST NAMED APPLICANT | ATTY. DOCKET NO.              |
| 10/578,277                               | Harald Fink           | 03H26US                       |
|  |                       | INTERNATIONAL APPLICATION NO. |
|  |                       | PCT/EP04/12508                |
| I.A. FILING DATE                         |                       | PRIORITY DATE                 |
| 11/05/2004                               |                       | 11/07/2003                    |
| CONFIRMATION NO. 2766                    |                       |                               |
| 371<br>ABANDONMENT/TERMINATION<br>LETTER |                       |                               |
| <br>*CC000000022795169*                  |                       |                               |

Date Mailed: 03/08/2007

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MAR 13 2007

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the Copy of the International Application by 30 months (37 CFR 1.495(b) (1)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/909 (371 Abandonment Notice)

## Exhibit B

## PATENT COOPERATION TREATY

WO 2005/046014  
PCT/EP2004/012508

From the INTERNATIONAL BUREAU

## PCT

SECOND AND SUPPLEMENTARY NOTICE  
 INFORMING THE APPLICANT OF THE  
 COMMUNICATION OF THE INTERNATIONAL  
 APPLICATION (TO DESIGNATED OFFICES  
 WHICH APPLY THE 30 MONTH TIME  
 LIMIT UNDER ARTICLE 22(1))  
 (PCT Rule 47.1(c))

|  |  |   |
|--|--|---|
| Date of mailing (day/month/year)<br>09 March 2006 (09.03.2006) | To:<br><br>SCHMIDT, Karl-Michael<br>ABB Patent GmbH<br>Pat G<br>Overhauser Strasse 33<br>40472 Ratingen<br>ALLEMAGNE |   |
| Applicant's or agent's file reference<br>71934 SM/SP ✓         | <b>ABB Patent GmbH</b><br>15. März 2006<br>EDV<br>Erledigt   |   |
| International application No.<br>PCT/EP2004/012508 ✓           | International filing date (day/month/year)<br>05 November 2004 (05.11.2004) ✓  | Priority date (day/month/year)<br>07 November 2003 (07.11.2003) ✓ |
| Applicant<br>ABB TECHNOLOGY AG et al ✓                         |  |   |

- ATTENTION: For any designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002 (30 months from the priority date), does not apply, please see Form PCT/TB/308(First Notice) issued previously.
- Notice is hereby given that the following designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002, does not apply, has/have requested that the communication of the international application, as provided for in Article 20, be effected under Rule 93bis.1. The International Bureau has effected that communication on the date indicated below:  
19 May 2005 (19.05.2005)

AU, AZ, BY, CN, CO, DZ, EP, HU, KG, KP, KR, MD, MK, MZ, NA, PG, RU, SY, TM, US

In accordance with Rule 47.1(c)-(d)(1), those Offices will accept the present notice as conclusive evidence that the communication of the International application has duly taken place on the date of mailing indicated above and no copy of the International application is required to be furnished by the applicant to the designated Office(s).

- The following designated Offices, for which the time limit under Article 22(1), as in force from 1 April 2002, does not apply, have not requested, as at the time of mailing of the present notice, that the communication of the International application be effected under Rule 93bis.1:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BW, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SG, SK, SL, TJ, TN, TR, TT, UA, UZ, VC, VN, YU, ZA, ZW

In accordance with Rule 47.1(c)-(d)(1), those Offices accept the present notice as conclusive evidence that the Contracting State for which that Office acts as a designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the International application.

- TIME LIMITS for entry into the national phase

For the designated or elected Office(s) listed above, the applicable time limit for entering the national phase will, subject in what is said in the following paragraph, be 30 MONTHS from the priority date.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain of the designated or elected Office(s) listed above. For regular updates on the applicable time limits (30 or 31 months, or other time limit), Office by Office, refer to the PCT Gazette, the PCT Newsletter and the PCT Applicant's Guide, Volume V, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

It is the applicant's sole responsibility to monitor all these time limits.

|   |                                   |
|---|-----------------------------------|
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland | Authorized officer<br>Ellen Moyse |
| Facsimile No.+41 22 740 14 35   | Facsimile No.+41 22 338 89 75     |

Form PCT/TB/308 (Second and Supplementary Notice) (January 2004)

**Exhibit C**

RECEIPT OF THE FOLLOWING DOCUMENTS IS HEREBY ACKNOWLEDGED  
ON THE DATE STAMPED HEREON:

In re National Phase PCT Application No. 103 51 948.3

For: MEDIUM-VOLTAGE SWITCHGEAR

International Application No.: PCT/EP2004/012508

International Application Date: 05 November 2004

Claiming Priority from German Application No.: 103 51 948.3

Filed: 07 November 2003 Docket No.: 03-H26US

National Phase PCT Application Cover Sheet w/Certificate of  
Mailing; Transmittal Letter to the United States Designated/  
Selected Office with the authorization to charge the deposit  
account in duplicate; Copy of the English language translation;  
Copy of the published international application; Copy of the  
International Search Report from the European Patent Office.

May 5, 2006